

COUNTY OF ADAMS
OFFICE OF THE FAMILY COURT COMMISSIONER

PROCEDURES GUIDELINES

1.0 Conduct Hearings

1.2 General

1.2.1 All hearings wherein testimony will be taken require witnesses to be present in person. Exceptions to this rule shall only be granted in extraordinary circumstances and generally only if not objected to by any other party to the action. The purpose of this rule is to ensure that all witnesses, including the parties themselves, will be available for proper cross-examination. It is also helpful if the parties and their attorneys can interact personally with the goal being to encourage settlement discussions.

Extraordinary circumstances may include a party who is incarcerated or who resides over 150 miles from the Adams County Courthouse.

1.2.2 Parties may attend hearing telephonically for the following hearings:

- (a) Stipulated Orders;
- (b) Scheduling of Hearings; and
- (c) Stipulated Requests for Continuance.

1.3 Temporary Order Hearings in Divorce Actions

1.3.1 The Court will in most cases issue a Temporary Order following a hearing. In cases where the parties are not represented by counsel, the form of the Temporary Order shall be as set forth in Appendix TO.

1.3.2 Maintenance shall be determined pursuant to the formula and guidelines contained in a maintenance calculation worksheet, as set forth in Appendix MW.

1.3.3 Hearings Procedure.

- (a) Opening Statements by both parties
- (b) Petitioner/Movant presents evidence
- (c) Respondent presents evidence
- (d) Petitioner/Movant rebuttal
- (e) Closing Arguments

1.4 Scheduling of Hearings

1.4.1 Contested Requests for Continuance of Hearing

- (a) A hearing for a temporary order properly noticed will not be continued except upon good cause. Good cause is: (i) health of party or attorney;

(ii) conflict with other previously set court calendar; (iii) other good cause shown.

(b) A motion in writing must be filed showing the reason for requesting a rescheduled hearing. The hearing of said motion can generally be set for any Tuesday at 10:00 a.m. that the circuit court commissioner normally hears matters in Courtroom B.

5.0 Clerk of Court Office Procedures.

5.1 Mail

5.1.1 All mail to OFCC will be processed by Clerk's office.

- (a) Routine copies of pleadings will be deposited in tray on top of OFCC file cabinet in OFCC office.
- (b) Correspondence or pleadings requiring FCC attention or signature will be placed in McFarlin Mailbox in Clerk's office.

5.2 Order Processing

5.2.1 Temporary Orders and Mediation Orders shall be signed by CCC. Said orders and copies thereof shall be deposited with the Clerk. Clerk shall conform CCC signature on copies and send copies to all parties, usually: Original to File; petitioner; respondent; OFCC; child support. If an attorney is involved, the original will be filed and conformed copies returned to attorney for distribution.

6.0 Filing Guidelines

6.1 Files

6.1.1 All materials received by OFCC that require retention shall be filed in alphabetical order by last name of petitioner as appears on the original case file. Files will be maintained by year and letters of alphabet.